IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, **Plaintiff,** **vs.** **JASON MEISINGER,** **Defendant.**	**8:15CR288** **MEMORANDUM** **AND ORDER**

This matter is before the Court on the pro se "Motion to Amend [P]revious 2255," ECF No. 43, filed by the Defendant, Jason Meisinger. For the reasons stated below the Defendant's Motion will be denied.

On August 1, 2016, the Defendant pled guilty to the offense of conspiracy to distribute cocaine in violation of 21 U.S.C. § 846 and received a sentence of 151 months incarceration, to be followed by 3 years of supervised release. The Defendant did not appeal the conviction or sentence. In his Motion, dated August 31, 2017, the Defendant asserts he previously filed a pro se motion to vacate his sentence under 28 U.S.C. § 2255 on July 6, 2017, and he requests a 30-day extension of time to amend the previously filed § 2255 motion.

The record, however, does not show that the Defendant ever filed a motion under 28 U.S.C. § 2255 to vacate, set aside, or correct sentence. Thus, the Court cannot grant the relief sought because there is no filing or motion to be amended. Furthermore, the Court will not alternatively construe the Defendant's Motion as a motion under 28 U.S.C. § 2255 to vacate, set aside, or correct sentence because it does not specify the grounds for relief or state any facts supporting the grounds for relief as required by Rule 2 of the

Rules Governing § 2255 Proceedings. Even if the Court were to so construe the Defendant's Motion, it would nevertheless be untimely. *See* 28 U.S.C. § 2255(f) (providing a one-year limitations period). As such, the Defendant's Motion will be denied.

THEREFORE, IT IS ORDERED:

1. The Motion to Amend Previous 2255, ECF No. 43, filed by the Defendant, Jason Meisinger, is denied; and

2. The Clerk will mail a copy of this Memorandum and Order to Defendant at the Defendant's last known address.

Dated this 26th day of September, 2017.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge